

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Myrick Barber

Date of Previous Judgment: April 8, 2005

(Use Date of Last Amended Judgment if Applicable)

)

)

) Case No: 1:03-CR-138) USM No: 03963-061) Gordon G. Hobson, Esq.

) Defendant's Attorney

FILED
2008 MAY 21 PM 10:11
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
COLUMBUS, OHIO

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 120 Months months is reduced to 100 Months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 31Amended Offense Level: 29Criminal History Category: VCriminal History Category: VPrevious Guideline Range: 168 to 210 monthsAmended Guideline Range: 140 to 175 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):**III. ADDITIONAL COMMENTS**

The parties jointly recommend that Defendant's sentence be reduced to 100 months, as Defendant's early release does not present a danger to public safety.

Except as provided above, all provisions of the judgment dated 04/08/2005 shall remain in effect.

IT IS SO ORDERED.Order Date: 5/20/08Effective Date: 5/30/08
(if different from order date)


Judge's signature

Sandra S. Beckwith, Chief District Judge

Printed name and title